

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Broadview NP Acquisition Corp. d/b/a	:	
Broadview Net Plus	:	
	:	
Application for a certificate of authority	:	02-0270
to operate as a facilities based and	:	
resold interexchange provider of	:	
telecommunications services in the State	:	
of Illinois.	:	

ORDER

By the Commission:

On April 18, 2002, Broadview NP Acquisition Corp. ("Broadview," or the "Applicant") a Delaware corporation with its principal place of business in New York, filed a Verified Application with the Illinois Commerce Commission (the "Commission") for Certificates of Service Authority to provide facilities-based and resold interexchange telecommunications services in the State of Illinois pursuant to Sections 13-403 and 13-404 of the Public Utilities Act, 220 ILCS 5/1-101, *et seq.* (the "Act"). Broadview is authorized to do business in Illinois. Broadview also sought waivers of Parts 710, 735, and 250.

Pursuant to notice given in accordance with the law and the rules and regulations of the Commission, this matter came on for a hearing before a duly authorized Administrative Law Judge (an "ALJ") of the Commission at its offices in Chicago, Illinois, on May 21, 2002. At the hearing, the ALJ granted Broadview's Motion to Amend its Petition to withdraw its request for authority pursuant to Section 13-403 and to reflect the fact that Broadview only sought authority pursuant to Section 13-404 of the Act to provide resold interexchange services. At the conclusion of the hearing, the record was marked "Heard and Taken."

The Applicant was represented by counsel and it appeared by its Vice-President of Regulatory Affairs, Lisa Korner Butler, who testified in support of the Application. Ms. Korner Butler's testimony, and other evidence submitted, established that the Applicant is a Delaware corporation with its principal place of business in New York. The Applicant intends to provide resold interexchange services to small and medium-sized Illinois businesses.

The evidence submitted also proved that the Applicant has the requisite technical, managerial and financial qualifications to provide telecommunications services in Illinois. That evidence established that the Applicant's management has the requisite training and

experience in the telecommunications field. Ms. Korner Butler additionally sponsored as Exhibits the Applicant's financial statements, which demonstrate that Applicant has the financial qualifications to provide telecommunications services in Illinois. Also, Ms. Korner Butler's testimony evinced that the Applicant intends to abide by all federal and state "slamming" and "cramming" laws. (Section 258 of the Telecommunications Act of 1996 and Section 13-902 of the Public Utilities Act).

Broadview has requested that the Commission make certain declarations and grant certain waivers of the Act, and from the rules and regulations of the Commission. The services it proposes to provide will be competitive telecommunications services, as described in Section 13-502(b) of the Act. The Applicant is required to file tariffs with the Commission under Section 13-501 of the Act, describing the nature of its services, the applicable rates and charges and the terms and conditions of the service provider. If the Applicant files the required tariffs in compliance with Section 13-502(e) and the rules adopted thereunder in 83 Ill. Admin. Code Section 745, many of the provisions of the Act, as well as regulations adopted by the Commission in Title 83 of Illinois Administrative Code, will be inapplicable to the Broadview.

Broadview seeks waivers of 83 Ill. Adm. Code Sections 710 and 735. Section 710 is entitled "Uniform System of Accounts for Telecommunications Carriers" and Section 735 is entitled "Procedures Governing the Establishment of Credit, Billing Deposits, Termination of Service and Issuance of Telephone Directories for Local Exchange Telecommunications Carriers in the State of Illinois."

Broadview's request for a waiver of 83 Ill. Adm. Code Section 710, which governs maintaining books and records under the Uniform System of Accounts, should be granted in order to reduce the economic burden of regulation on a company that provides only competitive services.

Broadview's request for a waiver of Section 735 should also be granted, since the rules contained therein are not applicable to interexchange services and Broadview only seeks to provide interexchange services.

Broadview's request for a waiver of Part 250, in order to keep its books and records at its principal place of business in New York should also be granted.

The Commission, having reviewed the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) the Applicant, Broadview NP Acquisition Corp., a Delaware Corporation with its principal place of business in New York, seeks to obtain a Certificate of Service Authority pursuant to Section 13-404 of the Act in order to provide resold interexchange services throughout the State of Illinois, and thereby seeks to become a

"telecommunications carrier" within the meaning of Section 13-202 of the Act;

- (2) the Commission has jurisdiction over the Applicant and the subject-matter herein;
- (3) the recitals of fact and conclusions stated in the above portions of this Order are supported by the record and are hereby adopted as findings of fact;
- (4) as is required by Section 13-404 of the Act, the Applicant possesses sufficient technical, financial and managerial resources and it possesses the ability to provide resold interexchange telecommunications services within the State of Illinois;
- (5) the Applicant is granted a waiver of 83 Ill. Adm. Code Section 710, governing the Uniform System of Accounts for telecommunications carriers, provided that Applicant continues to maintain its accounting records in accordance with Generally Accepted Accounting Principles in a level of detail similar to the accounting system it currently uses and in sufficient detail to comply with all applicable tax laws;
- (6) the Applicant is granted a waiver of 83 Ill. Adm. Code Section 735, since the rules contained therein are not applicable to interexchange services;
- (7) pursuant to 83 Ill. Adm. Code Section 250, the Applicant should be allowed to maintain its books and records at its principal place of business in New York;
- (8) the Applicant should file with the Commission a tariff consisting of its rates, rules and regulations, in accordance with Sections 13-501 and 13-502 of the Act to be effective upon proper filing, before commencing service.

IT IS THEREFORE ORDERED that Broadview NP Acquisition Corp., be, and is hereby, granted a Certificate of Service Authority pursuant to Section 13-404 of the Act.

IT IS FURTHER ORDERED that Certificate of Service Authority hereinabove granted shall be the following:

CERTIFICATE OF INTEREXCHANGE SERVICE AUTHORITY

IT IS HEREBY CERTIFIED that Broadview NP Acquisition Corp. is authorized pursuant to Section 13-404 of the Public Utilities Act to provide resold interexchange telecommunications services within the State of Illinois.

IT IS FURTHER ORDERED that Broadview NP Acquisition Corp., is required to file with this Commission a tariff consisting of its rates, rules and regulations, to be effective upon proper filing, before commencing service.

IT IS FURTHER ORDERED that the Broadview NP Acquisition Corp., is granted its request for a waiver of 83 Ill. Adm. Code Section 710, regarding the Uniform System of Accounts, as long as it maintains its accounting records in accordance with Generally Accepted Accounting Principles.

IT IS FURTHER ORDERED that Broadview NP Acquisition Corp., is granted its request for a waiver of 83 Ill. Adm. Code Section 735, as is set forth in Finding (6) above.

IT IS FURTHER ORDERED that Broadview NP Acquisition Corp., is granted its request for a waiver of 83 Ill. Adm. Code Section 250, in order that it may keep its books and records at its principal place of business in New York.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code Section 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 24th day of July, 2002.

(SIGNED) RICHARD L. MATHIAS

Chairman